

Amendment and Response

Applicant: Antti Kokkinen

Serial No.: 10/688,640

Filed: October 17, 2003

Docket No.: 200701903-2

Title: UPDATE SYSTEM EMPLOYING REFERENCE SOFTWARE TO REDUCE NUMBER OF UPDATE PACKAGES

REMARKS

The following remarks are made in response to the Office Action mailed July 18, 2008. Claims 1-24 were rejected. With this Response, claim 22 has been amended. Claims 1-24 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by the Waldin, Jr. et al. U.S. Patent Application Publication No. 2003/0177485.

Independent claim 1 recites generating an update package for updating at least one software application. The update package is generated based upon difference information between the at least one software application and at least one **reference software installed on the electric device**. The at least one software application is updated using the update package and **the reference software**. The updating leaves the at least one **reference software unchanged on the electric device**.

Independent claim 12 includes similar limitations including a software deliver device for receiving and installing a **reference software to the electronic device** if the electronic device does not have the reference software previously installed. The software deliver device receives and delivers at least one update package to the electronic device. The at least one update package is based on differences between at least one application software and **the reference software, and the reference software facilitates**, using the at least one update package, at least one update to the application software installed on the electronic device. **The updating leaves the reference software unchanged on the electronic device.**

The Waldin, Jr. et al. publication does not teach or suggest all these limitations of independent claim 1 and independent claim 12. The Examiner equates Delta catalogs as disclosed in the Waldin, Jr. et al. publication to teaching the reference software installed on the electronic device as recited in independent claims 1 and 12. However, the Delta catalogs as disclosed in the Waldin, Jr. et al. publication are not stored on user computer 116, but rather user computer 116 can access data catalogs and Delta packages 122 to be retrieved from catalog sources and update Data sources (i.e., Delta directories) on which they are stored.

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A further clarification of Delta packages and Delta catalogs is provided in the Waldin, Jr. et al. publication. As stated at paragraph [0028] of the Waldin, Jr. et al. publication, Delta packages 200 are so named because they each effect a transition from an application state which is only one version earlier than the destination state. As stated at paragraph [0035] of the Waldin, Jr. et al. publication, software publishers often produce different flavors of single software applications directed to different computer architectures, different operating systems, and users who speak different languages. As stated at paragraph [0036] of the Waldin, Jr. et al. publication, a single update Delta package 122 may be useful to update some flavors of an application, but not others. To handle these complexities, update catalogs, referred to as Delta catalogs are utilized in the Waldin, Jr. et al. system. These update catalogs are an example of what is referred to in the Waldin, Jr. et al. publication as update patches. Rather than having a single Delta package 122 correspond to each incremental update, a Delta catalog corresponds to each incremental update. Each Delta catalog has an associated source state and associated destination state, and specifies the necessary update information by specifying which Delta packages should be used by each flavor of the application to update from the source state to the destination state. These Delta packages and Delta catalogs are stored in Delta directories external to user computer 116 and the Waldin, Jr. et al. publication at paragraph [0040] refers to transfer mechanisms to allow Delta catalogs and Delta packages 122 to be retrieved from catalog sources and update data sources in which they are stored.

In view of the above, all the limitations of independent claim 1 and independent claim 12 are not taught or suggested by the Waldin, Jr. et al. publication. Furthermore, dependent claims 2-11 further define patentably distinct independent claim 1. Dependent claims 13-20 further define patentably distinct independent claim 12. Therefore, these dependent claims are also believed to be allowable.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection to the claims, and requests allowance of these claims.

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Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 21-24 under 35 U.S.C. § 103(a) as being unpatentable over the Waldin, Jr. et al. U.S. Patent Application Publication No. 2003/0177485 in view of the Gu et al. U.S. Patent Application Publication No. 2005/0234997.

The Examiner admits that the limitations of independent method claims 21 and 22 related to generating a third update package for updating the at least one software application, the third update package being generated based upon difference information between the first and second update package, and updating the at least one software application using the third update package is not taught by the Waldin, Jr. et al. publication. Similarly, the Examiner admits that the limitations of independent system claims 23 and 24 related to a second update package generator for generating update packages based upon difference information between different update packages and a software delivery device for delivering at least one update package generated based upon difference information between different update packages to the electronic device is not taught by the Waldin, Jr. et al. publication.

The Examiner relies on the Gu et al. publication to teach these limitations. However, the Gu et al. publication does not teach these limitations of independent claims 21-24. In the below discussion Applicant refers to the language specifically of method independent claims 21 and 22 but similar remarks can be made with regards to system independent claims 23 and 24.

Instead of teaching generating a third update package for updating the at least one software application, the third update package being generated based upon difference information between the first and second update packages and updating the at least one software application using the third update package such as recited in independent claims 22 and similarly claimed in systems claims 23 and 24, the Gu et al. publication discloses that electronic files 110 and 112 may be any of a number of types of files. The disclosure of the Gu et al. publication applies to an original, or old, version 110 and a new version 112 of an electronic file. This is, the old version 110 and the new version 112 are different versions of the same type of electronic file. Furthermore, the Gu et al. publication discloses that the Gu et al. system compares an original file and a new file, generates a Delta file based upon the comparison, since the Delta file to a receiving computer and uses the Delta file and the

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original file hosted on the receiving computer to generate/create the new file at the receiving computer. Thus, the Gu et al. publication discloses that the new file is simply a different version of the same type of file as the original file. The Delta file of the Gu et al. publication is not equivalent to the update package as recited in independent claims 21-24. Specifically in contrast to the Gu et al. publication, independent claims 21 and 22 recite (in similar limitations in system claims 23 and 24), generating a third update package for updating the at least one software application, the third update package being generated based upon difference information between the first and second update packages and updating the at least one software application using the third update package. Accordingly, the Gu et al. publication does not teach or suggest using its Delta file which is generated based on comparing first and second Delta files to update a file that is a software application a type of file other than a Delta file as would be required by the limitations of independent claims 21-24. By contrast, the Gu et al. publication discloses updating a first version of type of file using a Delta file generated using the first version of a second version of the same type of file. Therefore, the above recited limitations of independent claims 21-24 are not taught or suggested by the Gu et al. publication.

In view of the above, the above recited limitations are admitted to be not taught by the Waldin, Jr. et al. publication and are not taught or suggested by the Gu et al. publication. Therefore, these limitations are not taught or suggested by the combination of the Waldin, Jr. et al. publication and the Gu et al. publication.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to the claims, and requests allowance of these claims.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-24 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-24 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or Clare Hartnett at Telephone No. (408) 447-0289, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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By her attorneys,

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